

SHOT IN SELF-DEFENSE.

So Counselor Humphries Claims in Court.

The Defense Aply Present Their Case.

Evidence for Humphries Taken at Sength—Arguments on Both Sides Clear and Concise.

It was fully 8:45 o'clock when Justice Bernard's court was called to order yesterday morning. The defense proceeded with the case, ROBERT M. HUDSON was on Washington street on the day of the shooting. He knows Minor and Humphries. He saw both on the morning of the shooting. He first saw Minor looking out of the door of Phillips & Leggatt's store. Witness was passing. He saw Mr. Humphries going toward the street. Witness was going fishing. He expected trouble and heard some one say: "You lead—of a lead—"

Vail opposite W. T. Smith's store on the morning of the shooting. He passed witness' and witness' attention was called to the fact of a bulge on the coat of Minor and he inferred he was armed. For the reasons stated in the article in the REPUBLICAN that morning he expected trouble.

GEORGE BEARDSLEY was called. He heard a conversation with Minor in St. Claire & Pratts store. Minor said Humphries ought to be run out of town.

Guy N. Armstrong was sworn. He testified that Minor had made some threats against Humphries.

Court then took a recess for ten minutes to allow counsel for defense to have a talk with defendant.

AFTERNOON SESSION.

When court reassembled, the defense said that there were no questions to be asked, but that Mr. Humphries wanted to make a statement in his own behalf, as his privilege accorded him under the law.

"My name is Abram S. Humphries, age 25, residence Phoenix, county of Maricopa, Territory of Arizona. Am anxiously engaged in the practice of the law as attorney and counselor. Have resided in Phoenix about one year; and am the defendant in the case of Guy N. Armstrong vs. W. L. Vail cause first and made the communication to me in the presence of my friend, George C. Israel.

About 8 o'clock, I went to the saloon of Butler & Kelley, and while there, the rumors were again repeated.

About 9 o'clock, Charley Williams, porter at the Mills House, came and notified me that a mob would be down on the street that night, and everybody at the hotel was thoroughly aroused and solicited for my safety, and that Adjutant General Gill wished to see me at once. A few minutes later, Alex Lacey added his testimony to that of the other witnesses who had talked to me and again called Mr. Lacey to my attention.

Mr. Street—Did you hear any threats the day before against Humphries? Mr. Cox—I object.

Judge Street and Mr. Israel argued that this testimony was admissible to show in what condition the defendant's mind was.

Mr. Cox argued that both were guilty of a violation of the law, and it was not for them to take the law into their hands. They have a remedy.

The court—I do not think it will be right to go back and take hearsay evidence.

Witness did not hear any talk by Minor as to what he would do with Humphries.

Mr. Street—did you hear any body who seemed to be associated with Minor, talk as to any intentions Minor had against Humphries?

Mr. Cox—I object. He styled the question as ridiculous.

Court ruled in favor of the prosecution.

ED COREY was in Phillips & Leggatt's store on the morning of the 24th of July. He saw Minor in the alley next to Phillips & Leggatt's store. He saw him shooting into the street. Did not know who he was shooting at. The second shot fired came through Phillips & Leggatt's. One Minor stepped out to the door.

He did not notice what he was doing. Minor after the first shot stood behind a telephone post. Witness was in the store next to the candy stand. Mr. Ming was standing next to the soda fountain and nearer the front door than witness.

C. J. DYER is slightly acquainted with Humphries. Mr. Israel—Did you see Mr. Minor in conversation with Mr. Butler three or four days before the shooting?

Mr. Cox—I object. The court thought the question ought not to be admitted.

Mr. Israel spoke for a half an hour arguing that the question was admissible.

Mr. Street said: We have several witnesses by whom we propose to prove that Mr. Minor made threats against Mr. Humphries; that would be the same thing as showing he talked against him. They were both acts of Minor.

The court—With your explanation I see the point differently and will admit the testimony.

Witness heard a conversation of Minor but Mr. Butler had nothing to do with it. The conversation was the morning after Dr. Helm got bad. Witness asked him why he was so active against Humphries, as they were both from the south. Minor said he had nothing against Helm but spoke against Humphries, saying he was a good Democrat in the south but turned Republican.

M. A. MILES heard Minor say he would be or ought to be run out of town. He supposed he had reference to Humphries as he had been talking about him.

CITY MARSHAL WILLIAM BLANKENSHIP knows Minor and Humphries. He saw part of the difficulty between the two. He met Humphries and Israel near the city hall plaza. He had gotten about half way across the plaza when he heard the shooting. He ran back. He heard Minor. When he first saw Minor he was standing behind the telephone post trying to turn the cylinder of his gun. Witness then arrested Humphries as Minor's gun would not work. As Moffatt came up to Humphries witness turned his attention to Minor. When witness heard the shooting he supposed Humphries was in trouble. He expected trouble on account of the rumors of the night before. He gave Humphries permission to carry a gun.

BRUCE PERLEY the next witness, knows both parties. He saw Minor in conversation with Mr.

reckless character of the man with whom I was about to contend for my own life.

After Mr. Humphries had finished his statement, DISTRICT ATTORNEY COX opened the argument for the defense. He said the testimony went to show that the first shot came from the street. Although none of the witnesses could swear to who fired the first shot, it seemed to be the general opinion of the witnesses that Humphries did something to cause the trouble.

He contended that it must be created the cause for shooting and claim self defense. There was no cause for the shooting, no threats having been made against Humphries that would justify the sticking of a straw in his opponents eye. He asked that Humphrie be put under bond.

JUDGE STREET Followed with a short argument in which he defended the action of Humphries, claiming only defended himself. The Judge left the major part of the argument in the hands of Mr. Israel, who spoke in substance as follows:

GEORGE C. ISRAEL'S ARGUMENT. —Mr. Israel's argument was quite lengthy, occupying some two hours in its delivery, and as he is a very rapid talker, it was impossible to report him in exact language. He began his argument by asking the court to disabuse its mind of all feeling or prejudice in the case at bar, and predicate its judgment alone upon the evidence before it and the law applicable thereto as it found it. After commenting at some length upon the evidence he said: "We propose at this time, to show to the court that from all the facts that have been here presented, either by the testimony of the prosecution or the defense under the law that must govern this court in the decision of this case, that the defendant must be discharged and acquitted. I now call the court's particular attention to a case which has aptly been called by my senior 'the father of the law of self defense.' This case was tried in Boston, Mass., in 1826, and before a bench of judges so eminent as jurists, that their names live to-day foremost in the history of the Independence of America, they were Parsons, Sedgwick and Parker—men whose names and writings are familiar to every lawyer and law student in the land. This case is known in the history of the law as the Selfridge Case. The facts in this case are fully reported, and I invite your honor close attention to them that you may see how closely they are akin to the facts in the case at bar."

Mr. Israel then read the case, commenting upon it at times and applying the law there laid down to the testimony before the court.

With much feeling and eloquence Mr. Israel then detailed the occurrence of the past ten days, in so far as they affected Mr. Humphries, and directed the courts attention to the agony of mind that defendant must have endured during that time by reason of the unhappy affair, while his lips were sealed by the secret communications of his client, and he a man to whom sacred disgrace was worse than real death. Respects were then paid by the attorney to those individuals who had made threats of lynching—and in that connection he read the case of Bolanos against the State, from Kentucky—to show that such reports and rumors would justify a hundred persons in killing the leader of such a lawless body without waiting for an attack. Mr. Israel then returned to the Selfridge case showing that the law had made it a crime to report such rumors, and that case related in direct terms all the propositions that had been advanced by the District Attorney, and after reading several law authorities, said in part:

"I do not believe, Your Honor, that you will allow opinions to sway your judgment, no matter how strongly factional feeling may be on the other side of the scale. I do not believe that the true has come when it shall be heard within its sacred precincts. I believe this defendant's liberty is in honest hands backed by a righteous heart and an upright mind, and that only such methods as are within the sanctity of your oath of office will come to your judgment of him to feeling this from the bottom of my heart, I safely lay my burden down, feel my labors ended with the firm and abiding conviction that as Your Honor rings down the curtain on the last act of this trial it will be with the words, 'wherefore by the reason of the law and the premises the defendant shall go hence without day.'"

Mr. Israel's argument was a clear presentment of the law, forcible and at times eloquent a verbatim report of it of space prevents a verbatim report of it.

District Attorney Cox followed with his closing argument, making some of the points of the trial, and a short speech, but made a good speech.

The arguments of the attorneys in the Humphries case yesterday were especially fine, and entirely free from any objectionable personalities.

Judge Webster Street fully sustained his reputation as one of the ablest advocates of the territorial bar, while the argument of Mr. George C. Israel, who was associated with Judge Street for the defense, was clear, forcible, convincing and ornate. District Attorney Cox's effort did not in any wise detract from his reputation as a prosecuting officer.

Court then adjourned until Tuesday morning at 10 o'clock, when the decision will be rendered.

A BAD WRECK.

Another Passenger Train in Ohio is Wrecked—Several Injured. BELLAIRE, Aug. 1.—Another horror has been added to the late list of railroad accidents in Ohio. This morning a passenger train on the Bellaire, Zanesville & Cincinnati narrow gauge road left the track, three miles south of Bellaire, two cars being overturned and dragged some distance. Seventy passengers were on the train and the two cars turned over. Assistance was soon at hand. It was found that fourteen people had been injured, four seriously and one fatally. The train was running thirty-five miles an hour, and as it reached a curve the cars were noticed to sway violently and unheeding the cries for the passengers to keep their seats, a rush was made for the doors. Many frightened passengers had reached the platform when the cars jumped the rails, and when they turned over in another moment these were hurled in the ditch.

The seriously injured are as follows: Charles McElroy, baggage-master, will die; John Morris, John Irwin, G. P. Wilcox. In addition to these there were many badly bruised but able to take care of themselves, and this afternoon they went to their destination.

ON THE DIAMOND. Games Played in the East and West Yesterday. PITTSBURG, Aug. 1.—Errors by the visitors gave the game to the home club. Score: Pittsburgh 7, Cleveland 3. At New York—Brooklyn 9, New York 6. At St. Louis—St. Louis 3, Boston 7. At Philadelphia—Athletics 3, Louisville 2. At Columbus—Columbus 7, Baltimore 2. At Cincinnati—Cincinnati 6, Washington 2. At Cincinnati—Cincinnati 4, Chicago 7. At Philadelphia—Philadelphia 0, Boston 1. At Minneapolis—Minneapolis 6, Denver 7. At St. Louis—St. Louis 3, Boston 7. At Philadelphia—Philadelphia 0, Boston 1. At Minneapolis—Minneapolis 6, Denver 7. At St. Louis—St. Louis 3, Boston 7. At Philadelphia—Philadelphia 0, Boston 1. At Minneapolis—Minneapolis 6, Denver 7.

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RECIPROcity.

The Treaty With Spanish Provinces

And This Government Made Public.

A List of What is Admitted Free and What Not—Interesting News.

Associated Press Dispatches.] WASHINGTON, Aug. 1.—The Spanish reciprocity treaty and diplomatic correspondence pertaining thereto, was made public today, the president issuing a proclamation announcing the full text of the treaty. It was made pursuant to the last tariff act with a view to securing reciprocal trade, by reason of exemption from duty of sugar, molasses, coffee and hides upon their importation into the United States. Under the terms of the treaty, the following articles manufactured in the United States, and included in what is termed a transit schedule, will be admitted into Cuba and Porto Rico: Meats, salt and canned, jerked beef excepted, lard, tallow; fresh, dried and preserved fruits, except raisins; vegetables, rosin, turpentine, wood of all kinds; wagons, sewing machines, raw petroleum, coal and ice.

The following articles will be admitted on payment of the duties stated: Corn 25 cents per one hundred kilograms; corn meal 25 cents; wheat flour from January 1, 1892, 20 cents; wheat flour from the same time 18.00. Butter and cheese, refined petroleum and boots and shoes, be admitted at a reduction of 25 per cent. From and after July 1, 1892, as a definite arrangement, the following articles will be admitted free: Marble, Jasper, alabaster and other stones, including onyx, mineral waters, ice, coal pitch tar, rosin, turpentine, asphalt, raw petroleum, bricks and tiles, gold and silver coin, pig iron, iron pipes, beams, rivets, wrought iron, steel wire nails, screws, nuts and pipes, raw cotton, cotton seed oil and meal cake; tallow and other animal products, including tallow, and other articles of all kinds, manures, agricultural implements and machinery, materials and articles for public works, such as railroads, tramways and roads; salted and canned meats, jerked beef excepted, butter, lard, cheese, fish of all kinds and canned oysters and salmon, and other articles, including wool, and other articles of all kinds, manures, agricultural implements and machinery, materials and articles for public works, such as railroads, tramways and roads; salted and canned meats, jerked beef excepted, butter, lard, cheese, fish of all kinds and canned oysters and salmon, and other articles, including wool, and other articles of all kinds, manures, agricultural implements and machinery, materials and articles for public works, such as railroads, tramways and roads; 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